

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:19-CV-012

PAIGE L. PAHLKE, et al.,

Plaintiffs,

v.

JAMES PAUL BLAIR, et al.,

Defendants.

**MEMORANDUM OF LAW IN
SUPPORT OF MOTION FOR ENTRY
OF PROTECTIVE ORDER**

1. INTRODUCTION

This is a civil rights action brought under the North Carolina General Statutes and under 42 U.S.C. § 1983, alleging that Defendants caused the numerous sexual assaults and batteries of the minor Plaintiff, Jane Doe. Plaintiffs seek information from the personnel files of Defendant James Paul Blair. Because of the statutory protections accorded to personnel records of municipal employees by North Carolina law, the parties move, by consent, for the issuance of the proposed protective order attached hereto as Exhibit "A."

2. GOOD CAUSE EXISTS FOR THE PROTECTIVE ORDER

Fed. R. Civ. P. 26(c)(1)(B) authorizes the issuance of a protective order to specify the "terms" for a particular "disclosure or discovery." Indeed, this Court's Pretrial Order expressly contemplates the issuance of protective orders during discovery. (Doc. 16, Section I. E.). Particularly where the requested protective order is consented to by all parties, it may be entered with or without a showing of good cause. *In re Roman Catholic*

Archbishop of Portland in Oregon, 661 F.3d 417, 424 (9th Cir. 2011) (“While courts generally make a finding of good cause before issuing a protective order, a court need not do so where (as here) the parties stipulate to such an order.”). Here, the personnel records of Defendant Blair are confidential under N.C. Gen. Stat. § 160A-168(c), thereby establishing good cause for issuance of a protective order limiting their use to this litigation only and providing protections against further disclosure.

3. CONCLUSION

The parties having so stipulated, the Court is urged to adopt and enter the submitted proposed protective order to facilitate the lawful disclosure of the above-described personnel records.

This the 16th day of August, 2019.

/s/ Paul A. Tharp
Paul A. Tharp
N.C. Bar No.: 34244
ARNOLD & SMITH, PLLC
The Historic John Price Carr House
200 North McDowell Street
Charlotte, North Carolina 28204
Telephone: 704.370.2828
Facsimile: 704.370.2202
Email: pat@arnoldsmithlaw.com

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES that the **MOTION FOR ENTRY OF PROTECTIVE ORDER** to which this certificate is attached was served upon the following counsel of record via the use of the CM/ECF system, which will send a notification of such filing and a copy thereof:

Scott D. MacLatchie
Hall Booth Smith, P.C.
11215 North Community House Road
Suite 750
Charlotte, North Carolina
smaclatchie@hallboothsmith.com
Attorney for Defendants City of Lowell and Scott Bates

This the 16th day of August, 2019.

/s/ Paul A. Tharp
Paul A. Tharp